IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 21ST NOVEMBER 2007 / 30TH KARTHIKA 1929

WP(C).No. 17058 of 2005(E)

PETITIONER:

S. BUHARI, AGED 33, PROPRIETOR
M/S. SINDUR JEWELLARY & GOLD INDUSTRY,
RESIDING AT BEENA MANZIL, THEKKUMBHAGOM,
PARAVUR, KOLLAM.

BY ADV. SRI.T.K.VENUGOPALAN
SRI.HARISH GOPINATH

RESPONDENTS:
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1. DEPUTY TAHSILDAR (R.R.)
THE KERALA FINANCIAL CORPORATION, KOLLAM.

2. THE CHIEF MANAGER, THE KERALA
FINANCIAL CORPORATION, KOLLAM.

BY ADV. SRI. V.B. UNNIRAJ
SRI.A.A.ABUL HASSAN, SC, KFC
GOVERNMENT PLEADER SMT. SMITHA SUKUMAR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.17058 OF 2005

APPENDIX

EXT.P1: COPY OF NOTICE OF SALE DATED 25.4.2005 BY R1.

TRUE COPY

PA TO JUDGE.

C.N.RAMACHANDRAN NAIR, J.

WP(C) No.17058 of 2005

Dated, this the 21st day of November, 2007

J U D G M E N T

Petitioner admittedly availed loan from Kerala Financial Corporation and committed default. Since liability is admitted and the amount was above Rs.25 lakhs during 2004, this Court granted a conditional stay on 09/06/2005 against recovery on payment of Rs.7,50,000/- on or before 30/06/2005. Petitioner did not comply with the directions and therefore, stay order got vacated. Learned standing counsel for the KFC submitted that part of the property is sold by the RR authorities, but sale is not confirmed and the balance property taken over under Section 29 of the SFC Act is also notified for sale. Petitioner does not appear to submit any concrete proposal for settlement. However, learned counsel for the petitioner prays for one month's time for the petitioner to approach the KFC for filing OTS application. Since the revenue sale made is not confirmed and balance property is notified for sale, I feel one month's time can be granted to the petitioner to approach the Corporation with application for OTS benefit. Petitioner should either remit the minimum amount payable under OTS scheme, or

atleast remit Rs.7,50,000/- in terms of earlier interim order, within one month, for considering the application. If petitioner remits the liability under the OTS scheme, then there will be direction to the respondents to restore the property to the petitioner after compensating the purchaser in accordance with RR Act.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg